

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Criminal Case No. 09-20215

Jose Castro-Ramirez,

Honorable Sean F. Cox

Defendant.

ORDER DENYING
DEFENDANT'S MOTION FOR DEFERMENT OF PAYMENT

On August 18, 2012, Defendant Jose Castro-Ramirez ("Defendant") was sentenced to 168 months imprisonment. The Court also ordered Defendant to pay restitution in the amount of \$9,491,688.75, and pay an assessment of \$1,300.00. (*See* Docket Entry No. 368). The Court ordered that, while in custody, the defendant shall participate in the Inmate Financial Responsibility Program.

On November 5, 2012, Defendant filed a *pro se* "Motion for Deferment of Payment" (Docket Entry No. 416), wherein he states that he has been making monthly payments of \$75.00.

Defendant's motion asserts that he "receives very little money from outside" – without specifying the amounts he actually receives – and that he has expenses for copies, phone calls, and other unspecified legal expenses "connected with his appeal."¹ Defendant's motion asks this Court to exercise its discretion and allow him to defer further payments of his restitution until he

¹Defendant's direct appeal has already concluded.

has completed his term of incarceration. Alternatively, he asks the Court to defer payments until he files, and the Court rules upon, a motion under 28 U.S.C. § 2255.

The Government filed a brief opposing the motion. The Government asserts that Defendant is required to exhaust his administrative remedies with the Bureau of Prisons before asking this Court to modify any payment plan under the Inmate Financial Responsibility Program, and that Defendant has not shown that he has done so.

The Court shall deny the motion. It does not appear that Defendant has exhausted administrative remedies available to him. Moreover, even if this Court has the discretion to order the requested relief before Defendant exhausts available administrative remedies, the Court would decline to do so in this case.

Accordingly, IT IS ORDERED that Defendant's Motion for Deferment of Payment is DENIED.

IT IS SO ORDERED.

Dated: December 13, 2012

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on December 13, 2012, the foregoing document was served upon counsel of record by electronic means and upon Jose Castro-Ramirez by First Class Mail at the address below:

Jose Castro-Ramirez
Reg No. 30835-039 / Unit 5703
Federal Correctional Institution
P. O. Box 2000
Fort Dix, NJ 08640

Dated: December 13, 2012

S/ J. McCoy
Case Manager